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Attorney for Petitioner,  
HELENE A. AIWAZ

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re

HELENE A. AIWAZ,

Debtor and Movant

Case No.: 17-42343

Chapter 13

**MOTION TO MODIFY CHAPTER 13  
PLAN**

Debtor Helene A. Aiwas ("Debtor") respectfully requests that the Court modify Debtor's confirmed Chapter 13 plan ("Plan") as follows:

Allow Debtor until October 1, 2019 to sell her house located at 2926 Devon Way, San Pablo, CA 94806 ("House") and pay the mortgage arrearage for it.

Debtor's confirmed chapter 13 plan ("Plan") provides that Debtor would sell the House and pay the arrearage by December 1, 2018. Dkt. 51, filed July 13, 2018. Debtor listed the House for sale, but potential buyers declined to make offers once they learned of attached liens that were illegitimately placed on the House by persons who took illegal advantage of her now-deceased parents ("Liens"), the latter who owned the house at the time the liens were recorded. Declaration of Helene A. Aiwas in Support of Motion to Modify Chapter 13 Plan ("Debtor Dec."), ¶¶ 1-5. Because Debtor failed to sell the House and pay the arrearage by the time provided in the Plan, the chapter 13 trustee in this case filed a motion to dismiss this case for failure to sell or refinance the House. Dkt. 67, filed December 6, 2018.

After multiple potential buyers refused to make offers once they learned of the Liens, Debtor hired an attorney to remove the Liens in a quiet title action in State Court. However, that attorney was not able to remove the Liens. Debtor Dec., ¶¶ 6, 7.

1 Debtor has now hired a new attorney, The Marquez Law Group, PC, in San Francisco,  
2 California ("Law Firm"). The Law Firm assigned attorney Neil E. Chan to this matter.

3 Declaration of Neil E. Chan in Support of Motion to Modify Chapter 13 Plan ("Attorney Dec.").

4 Mr. Chan estimates that it is likely that he will be able to get the liens removed. Attorney Dec.,

5 ¶ 4. However, Mr. Chan believes that it will take at least six months to do so. Attorney Dec.,

6 ¶ 5.

7 Therefore, Debtor respectfully requests until October 1, 2019 to sell the House and pay  
8 the arrearage owed on it. Debtor has not attempted to delay creditors and has attempted to sell  
9 the House to the best of her ability.

10 The plan, if modified, would be completed within sixty (60) months from commencement  
11 of the case.

12 WHEREFORE, the Debtor requests that the Court deny the trustee's motion to dismiss  
13 and modify the Chapter 13 plan as set forth above.

14  
15  
16 DATED this 19<sup>th</sup> Day of December, 2018

/s/ Jeff Hoffman

Jeff Hoffman

Attorney for Debtor

HELENE A. AIWAZ